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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/058,045

01/29/2002

Lawrence Wilcock

1509-263

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10/22/2008

HEWLETT PACKARD COMPANY
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SELLERS, DANIEL R

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

10/22/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: LAWRENCE WILCOCK and ALISTAIR NEIL COLES

Application No. 10/058,045
Technology Center 2600

Mailed: October 21, 2008

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, STATUS OF CLAIMS

A review of the file finds that the status of the claims as provided in the Supplemental Appeal Brief filed March 9, 2007, under the heading “Status of Claims” is not in complete compliance with 37 CFR 41.37(c)(1)(iii).

37 CFR 41.37(c)(1)(iii) states:

(iii) *Status of claims.* A statement of the status of all the claims in the proceeding (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of those claims that are being appealed. [Emphasis added.]

While Appellants “STATUS OF CLAIMS” on page 8 of the Brief list the claims as they are rejected, the section does not specifically identify those claims that are being appealed.

EXAMINER’S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on February 5, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II. Proper consideration is required.

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to hold the Supplemental Appeal Brief filed on March 9, 2007, defective;
- 2) notify Appellant to file a paper properly addressing the status of all of the claims in the proceeding, including an identification of the claims being appealed;

3) properly consider the Reply Brief filed February 5, 2007 as indicated above; and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/vsh

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